

Message Text

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ACTION L-03

INFO OCT-01 AF-08 EUR-12 IO-13 ISO-00 CU-02 DHA-02 AID-05
CIAE-00 DODE-00 PM-04 H-01 INR-07 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 USIA-06 HEW-04 /092 W
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R 041438Z MAR 77
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 0000
INFO AMCONSUL CAPE TOWN
AMCONSUL JOHANNESBURG
AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L PRETORIA 1066

CAPE TOWN FOR EMBASSY

E.O. 11652: GDS
TAGS: PINT, PINS, SEDU, SHUM, SF
SUBJECT: LEGAL STATUS OF CHURCH SCHOOL'S ENROLLMENT OF
BLACK STUDENTS IN TRANSVAAL PROVINCE

REFS: (A) STATE 35096, (B) CAPE TOWN 242, (C) CAPE TOWN 281

SUMMARY: ACCORDING TO PROVINCIAL LAW, TRANSVAAL PUBLIC
AND PRIVATE SCHOOLS MAY LEGALLY ADMIT BLACKS SUBJECT
TO ADMINISTRATIVE DISCRETION. TRANSVAAL ADMINISTRATION
HAS TAKEN NO ACTION YET. END SUMMARY

1. RELEVANT STATUTE IN TRANSVAAL IS EDUCATION ORDINANCE
NO. 29 OF 1953. CHAPTER VII ENTITLED "ADMISSION OF PUPILS
TO PROVINCIAL EDUCATIONAL INSTITUTIONS AND TO OTHER
SCHOOLS, CLASSES, OR INSTITUTIONS" SAYS THAT CHILD'S
SCHOOL MUST BE AN "APPROPRIATE INSTITUTION." ARTICLE 100(2)
OF SAME CHAPTER SETS FORTH FOLLOWING SEVEN CLASSES OF
"APPROPRIATE INSTITUTIONS:" EXCLUSIVELY WHITE SCHOOLS,
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EXCLUSIVELY COLORED SCHOOLS, SCHOOLS FOR COLOREDS
AND ASIATICS, SCHOOLS FOR COLOREDS AND NATIVES,
EXCLUSIVELY ASIATIC SCHOOLS, SCHOOLS FOR ASIATICS AND
COLOREDS, AND NATIVE SCHOOLS. ARTICLE 100(2) ALSO
STATES THAT CHILD MUST BE IN AN "APPROPRIATE INSTITUTION...
UNLESS THE ADMINISTRATOR DECIDES OTHERWISE."

2. CHAPTER IX OF ORDINANCE REGULATES "PRIVATE SCHOOLS FOR WHITE CHILDREN." ARTICLE 105(1) STATES "A PRIVATE SCHOOL FOR WHITE CHILDREN MAY ONLY BE ATTENDED BY 20 OR MORE WHITE CHILDREN... IF SUCH SCHOOL IS REGISTERED IN ACCORDANCE WITH THIS CHAPTER..." ARTICLE 106 EMPOWERS DIRECTOR OR ANY INSPECTOR OF EDUCATION TO INSPECT PUPILS ATTENDING SCHOOLS AND STATES THAT HE MUST SUBSEQUENTLY FILE A REPORT TO THE BOARD OF THE SCHOOL'S DISTRICT. ACCORDING TO ARTICLE 107(1), IF INSPECTOR'S REPORT FINDS CONDITIONS DEEMED "DETRIMENTAL TO THE PHYSICAL, CENTAL, OR MORAL WELFARE OF THE PUPILS ATTENDING THEREAT," HEAD OF SCHOOL WILL BE GIVEN NOTICE TO CORRECT CONDITIONS WITHIN CERTAIN PERIOD OF TIME. IF SITUATION IS NOT CORRECTED AT END OF PERIOD, SCHOOL MAY BE DE-REGISTERED AND GRANT-IN-AID WITHHELD. ARTICLE 108 SAYS THAT ANY PERSON PERMITTING 20 OR MORE WHITES TO ATTEND A PRIVATE SCHOOL WHICH IS NOT REGISTERED IS LIABLE TO A FINE OF APPROXIMATELY \$100 OR 3 MONTHS IMPRISONMENT.

3. IN RESPONSE TO QUESTIONS IN REF A, PARA 1, CHAPTER V I

ARENTLY
TRANSFER OF POLICY DISCRETION MAY BE EXERCISED TO PERMP INTEGRATED

PUBLIC AS WELL AS PRIVATE SCHOOLS. PENALTY UNDER PROVINCIAL LAW STATED IN PARA 2 ABOVE. NO SCHOOL IN TRANSVAAL HAS BEEN DE-REGISTERED.

4. REF A, PARAS 2-8 HAVE BEEN ANSWERED IN REFTELS. EMBASSY IS TRYING TO ASCERTAIN PRECISE NUMBER OF SCHOOLS INVOLVED
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IN TRANSVAAL. THOUGH TRANSVAAL ADMINISTRATION VAN NIEKERK HAS THREATENED TO REMOVE ANY OFFENDING SCHOOLS FROM REGISTRATION, ANY SUCH ACTION HAS YET TO BE TAKEN. POSSIBILITY FOR COMPROMISE STILL EXISTS. BOWDLER

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Message Attributes

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Sent Date: 04-Mar-1977 12:00:00 am
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Disposition Approved on Date:
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Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
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